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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/864,297 | 05/25/2001 | Jean-Luc Pastre | 209019US2 | 1219 |
| 22850 | 7590 | 07/19/2005 | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | YE, LIN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2615 | |

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|--------------------------------------|---|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 09/864,297 | Applicant(s) PASTRE, JEAN-LUC | |
| | Examiner Lin Ye | Art Unit 2615 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-6 and 8-14.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☒ Other: See Continuation Sheet.


DAVID L. OMETZ
PRIMARY EXAMINER

Continuation of 13. Other: The claims will be rejected as set Final in the previous Office Action mailed on 3/28/05.

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 06/24/05 have been fully considered but they are not persuasive as to claims 1-6 and 8-14.

For claim 1, the applicant argues that one of ordinary skill in the art would have lacked the motivation to combine the Ikeda (US Patent 6,204,881) and Takiguchi (US Patent 4,797,747) references for replace the CCD image sensing devices of Ikeda with the streak camera of Takiguchi, because streak cameras are not capable of obtaining the necessary information to reconstruct an image (See applicant's REMARKS/ARGUMENTS page 8, lines 18-20). The examiner disagrees. The Takiguchi reference clearly discloses the streak camera including the "converter tubes" (streak tubes 6-1 and 6-2) as recited in claim 1, also the image-pickup tubes (92-1 and 92-2) used to form the **images** of the phosphor screens of the "converter tubes" (6-1-6-2) (See Takiguchi reference Col. 4, lines 21-29). The streak image is **photographed** with camera. For those reason the steak cameras are capable of obtaining the necessary information to reconstruct an image (See Col. 1, lines 34-41). The examiner sets forth a motivation that the Takiguchi reference is evidence that one of ordinary skill in the art at the time to see more advantages the device using at least two streak camera devices having streak tubes so that the device can measure the intensity distribution of a light emission more accurately even the whose wavelengths are outside particular wavelength region in which the photocathode of the streak tube is sensitive (See Col. 1, lines 65-67 and Col. 2, lines 1-3). For that reason, it would

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have been obvious to one of ordinary skill in the art to modify the device of Ikeda ('881) by providing the two channels of streak camera having converter tubes that are configured to convert the input signal into an electron beam that impacts a screen and the sensor is configured to sense an image on the screen and generate the output signals taught by Takiguchi ('747).

For claim 8, the applicant argues that the both Ikeda and Takiguchi reference do not teach or suggest "if the first amplitude $A_{j1(t)}$ is smaller than the threshold value, memorizing the value of the amplitude $A_{j1(t)}$ and a corresponding instant t , where t is time; if the first amplitude $A_{j1(t)}$ is greater than the threshold value, then memorizing the value $A_{j2(t)}$ and corresponding instant t , where t is time". The examiner disagrees. The Ikeda reference discloses in figure 5, the image device generates two output signals with a first amplitude (e.g., signal amplitude as intensity or luminance levels), $A_{j1(t)}$ (e.g., image I is bright image) and second amplitude $A_{j2(t)}$ (e.g., Image II is dark image). The amplitude of Image I is greater than the amplitude of standard image or Image II, and the data of Image I is easily saturated (greater than the threshold value, such as level 1000 or below the saturation level); and the Ikeda reference also states any portion of image data over the threshold value will be deleted (See Col. 27, lines 35-40). This implicitly shows if the amplitude $A_{j1(t)}$ of the image I is smaller than the threshold value, memorizing the value of the amplitude $A_{j1(t)}$ and a corresponding instant t , where t is time; if the first amplitude $A_{j1(t)}$ is greater than the threshold value, then memorizing the value $A_{j2(t)}$ and corresponding instant t , where t is time (e.g., the value $A_{j2(t)}$ of image II as dark image has less than

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a chance to over the threshold value. So the image device will memorize the value $A_{j2(i)}$ of image II for further image procession).

2. The claims 1-6 and 8-14 will be rejected as set Final in the previous Office Action mailed on 3/28/05.

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372.

The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (On July 15, 2005, the fax Number will change to 571-273-8300).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lin Ye
October 29, 2004


DAVID L. OMETZ
PRIMARY EXAMINER